

House Bill 596

By: Representatives Smith of the 131<sup>st</sup>, Lane of the 167<sup>th</sup>, Royal of the 171<sup>st</sup>, Morris of the 155<sup>th</sup>, and Hanner of the 148<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to control of water pollution and surface water use, so as to regulate the return of surface waters to the sources from which they were withdrawn by local government entities; to provide for reports; to provide penalties for violations; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to control of water pollution and surface water use, is amended by adding a new Code section to read as follows:

"12-5-31.1.

(a) Each county, municipality, consolidated government, or local government authority which holds a permit issued under Code Section 12-5-31 shall report to the director:

(1)(A) Monthly, the total volume of surface water withdrawn under such permit during the most recently completed calendar month; and

(B) Annually, the total volume of surface water withdrawn under such permit during the most recently completed calendar year;

(2)(A) Monthly, the total volume of treated water returned by such permit holder to the source of permitted withdrawal during the most recently completed calendar month; and

(B) Annually, the total volume of treated water returned by such permit holder to the source of permitted withdrawal during the most recently completed calendar year; and

(3) Annually, the total number of on-site sewage management systems within the applicable county, municipality, or consolidated government area of jurisdiction at the end of the most recently completed calendar year. For purposes of this paragraph, the

term 'on-site sewage management system' shall have the meaning provided by Code Section 31-2-7.

(b)(1) Any county, municipality, consolidated government, or local government authority which holds a permit issued under Code Section 12-5-31:

(A) For which the returned amount most recently reported under subparagraph (a)(2)(A) of this Code section is less than 50 percent of the withdrawn amount most recently reported under subparagraph (a)(1)(A) of this Code section; or

(B) For which the returned amount most recently reported under subparagraph (a)(2)(B) of this Code section is less than 75 percent of the withdrawn amount most recently reported under subparagraph (a)(1)(B) of this Code section

shall be in violation of this paragraph, and the applicable county, municipality, or consolidated government shall be prohibited from authorizing any net increase in the total number of on-site management systems within such jurisdiction in which such under-return occurred, as compared to the total number of on-site management systems most recently reported under paragraph (3) of subsection (a) of this Code section.

(2) Any such permittee which violates paragraph (1) of this subsection shall not be eligible for renewal of any current withdrawal permit under Code Section 12-5-31, any increase in the amount of withdrawal authorized under such current permit, or any new permit under said Code section; and the director may impose a fine on such permittee in the amount of \$20,000.00 per year for each on-site sewage management system which exceeds the number most recently reported under paragraph (3) of subsection (a) of this Code section.

(3) Any penalties imposed under this subsection upon a permittee shall cease if and when the permittee is no longer in violation of paragraph (1) of this subsection."

## **SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.